

UNITED STATES DISTRICT COURT

for the
Southern District of Ohio

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

647 Derrer Road in Columbus, Ohio 43204

Case No.

2:21-mj-496

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

This affidavit is made to support an application for a warrant to search and seize evidence from the premises commonly known as 647 Derrer Road in Columbus, Ohio 43204. The premises is a one-story, off-white duplex located on the west side of Derrer Road. The building is a combination of light brick and vinyl siding. 647 Derrer Road is located on the north section of the duplex. The front door is white and faces north toward Race Street. The premises is marked by the numbers "647" on the north section of brick facing east toward Derrer Road.

located in the Southern District of Ohio, there is now concealed (identify the person or describe the property to be seized):

Property that constitutes evidence of the commission of and/or property designed or intended for use or which is or has been used as a means to commit criminal offenses as described in Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
21 USC 841(a)(1)	Distribution of a Controlled Substance

The application is based on these facts:

See Attached Affidavit

- ☒ Continued on the attached sheet.
- ☐ Delayed notice _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet

Applicant's signature
DEA Special Agent Christopher Cadogan
Printed name and title

Sworn to before me and signed in my presence. *Via Facsimile*

Date: *July 27, 2021*

Judge's signature
Elizabeth M. Huston Deaton

AFFIDAVIT

Christopher Cadogan, being first duly sworn, deposes and says:

EXPERIENCE OF SPECIAL AGENT

1. Your Affiant is a Special Agent with the Drug Enforcement Administration (DEA) and has been so employed for approximately twenty-four years. I am currently assigned to Group 4 of the DEA's Columbus, Ohio District Office. This group is currently comprised of narcotics investigators from the DEA and the Columbus Police Department (CPD). Group 4 was designed, in part, to target individuals and groups involved in the manufacture and distribution of methamphetamine, cocaine, and heroin in Franklin County, Ohio. Prior to being employed by the DEA, I was employed for approximately two and one-half years as a United States Border Patrol Agent. As a Border Patrol Agent I was cross-designated to make federal arrests of individuals in violation of Title 21 of the United States Code. For more than twenty-six years, I have had the authority to make federal drug arrests.

2. As a DEA Special Agent, Your Affiant has participated in hundreds of narcotics investigations involving various types of controlled substances. I have received substantive advanced training pertaining to the investigation of various crimes which arise from narcotics trafficking, including money laundering, the use of interstate transportation in the furtherance of narcotics trafficking, the use of the United States Postal Service facilities in furtherance of narcotics trafficking, and the use of telecommunications facilities in the furtherance of narcotics trafficking. I have participated in investigations involving the purchase of controlled substances from suspected narcotics traffickers using both undercover narcotics investigators and confidential sources. I have participated in the drafting and execution of search warrants for narcotics, proceeds from the sale of narcotics,

1 documentary evidence of narcotics trafficking, and for the telecommunications devices used by
2 narcotics traffickers. I have conducted surveillances in connection with narcotics investigations. I
3 have authored five affidavits supporting federal wire and electronic intercepts of known and suspected
4 narcotics traffickers.

5 3. Through the course of these investigations, I have personally interviewed
6 confidential sources and other persons involved in the distribution of illegal narcotics. I have also
7 interviewed persons arrested for the distribution of illegal narcotics. I have spoken with more
8 experienced narcotics investigators with whom I have worked concerning the practices of narcotics
9 traffickers and the best investigative methods to use when conducting investigations of narcotics
10 trafficking organizations. Through the course of my investigations and through my conversations with
11 more experienced narcotics investigators, I have become familiar with the methods and means utilized
12 by persons who participate in the illegal distribution of controlled substances.

13

14

PURPOSE OF AFFIDAVIT

15 4. This affidavit is made to support an application for a warrant to search and seize
16 evidence from the premises commonly known as 647 Derrer Road in Columbus, Ohio 43204. The
17 premises is a one-story, off-white duplex located on the west side of Derrer Road. The building is a
18 combination of light brick and vinyl siding. 647 Derrer Road is located on the north section of the
19 duplex. The front door is white and faces north toward Race Street. The premises is marked by the
20 numbers "647" on the north section of brick facing east toward Derrer Road. The premises located at
21 647 Derrer Road in Columbus, Ohio 43204, will hereafter be referred to as the TARGET LOCATION.

22 5. Based upon the information below, I have probable cause to believe that inside
23 the location described in paragraph 4, there is property that constitutes evidence of the commission of
24 a criminal offense; contraband, the fruits of crime, and things otherwise criminally possessed; and
25 property designed or intended for use or which is or has been used as a means of committing a
26 criminal offense. Specifically, I have probable cause to believe that within the above mentioned

1 property there is evidence of violations of Title 21, U.S.C. 846, and Conspiracy to Possess and
2 Distribute Controlled Substances (methamphetamine).

3 6. The evidence to be searched for and seized is:

4 A. methamphetamine, and any other controlled substances;

5 B. documents and other items tending to show dominion and control over the
6 premises, including, but not limited to, bills or other business-related documents, correspondence,
7 photographs;

8 C. documents or other items tending to identify co-conspirators and sources,
9 including, but not limited to, letters, notes, memoranda, photographs, address and phone books, maps,
10 organizers, or lists of names;

11 D. items commonly used to facilitate drug trafficking, such as firearms,
12 ammunition for firearms, beepers, pagers, cellular telephones, pay/owe sheets, packaging materials,
13 "cut", scales, grinders;

14 E. likely proceeds of drug trafficking, such as U.S. currency and other negotiable
15 instruments;

16 F. documents and other items tending to establish or hide the whereabouts of
17 proceeds from drug trafficking, such as safes, keys to other locations, and financial records;

18 7. The following is either the result of my own investigation or was provided to
19 me by other law enforcement officers. Unless specifically quoted, the conversations described below
20 are set forth in substance.

21 **FACTS SUPPORTING PROBABLE CAUSE**

22 8. Following a series of meetings, telephone calls, and text messages between a
23 DEA confidential source, hereafter referred to as the CS, and known drug user and street level
24 distributor Sean Adam OGDEN, arrangements were made for DEA SA Kendall Clark and the CS,
25 both acting in an undercover capacity, to meet with suspected mid-level methamphetamine
26 trafficker Levi Michael PHILLIPS, sometime before noon on May 4, 2021. The purpose of the

1 meeting was for SA Clark to purchase three (3) ounces of methamphetamine from PHILLIPS.
2 OGDEN was acting as a conduit between the CS and purported local source of supply for
3 methamphetamine PHILLIPS. According to the CS, PHILLIPS had agreed to sell SA Clark three (3)
4 ounces of methamphetamine for \$1,200.00 in U.S. currency. According to the CS, PHILLIPS wanted
5 OGDEN to be present when PHILLIPS met with the CS and the CS's business associate (SA Clark).

6 9. On May 4, 2021, plans were formulated at the DEA's Columbus District Office
7 for SA Kendall Clark to meet with PHILLIPS later that day, for the purpose of purchasing three
8 (3) ounces of methamphetamine.

9 10. On May 4, 2021, SA Clark was provided with \$1,200.00 in official advanced
10 funds (OAF) with which to purchase the purported methamphetamine. SA Clark was also equipped
11 with a digital recording device in order to record the anticipated conversation between SA Clark and
12 PHILLIPS. In addition to the recording device, SA Clark was equipped with two transmitting devices
13 which were subsequently monitored by DEA Task Force Officer (TFO) Jacob Smith over his cellular
14 telephone and Your Affiant over a police radio.

15 11. On May 4, 2021, at approximately 12:03 p.m., DEA TFOs Andrew Wuertz,
16 David Barrick, Jacob Smith, and DEA SA Zachary Bennett observed SA Clark arrive at a pre-
17 designated meet spot.

18 12. At approximately 12:08 p.m., TFO Wuertz observed the CS and OGDEN arrive
19 and park next to SA Clark's vehicle on the passenger side of Clark's vehicle. SA Wuertz observed
20 OGDEN seated in the front passenger seat of the CS's vehicle.

21 13. According to the CS, PHILLIPS had advised OGDEN that if SA Clark wanted
22 to meet with him they would have to come to 647 Derrer Road (TARGET LOCATION). According
23 to the CS, after some negotiation, PHILLIPS subsequently advised OGDEN that he was willing to
24 meet with them in the street but he was adamant that they come to Derrer Road. According to the
25 CS, OGDEN originally stated that PHILLIPS requested that they come to the TARGET LOCATION

1 but then changed it to 674 Derrer Road. Subsequent investigation revealed that PHILLIPS currently
2 resides at the TARGET LOCATION.

3 14. At approximately 12:41 p.m., DEA TFOs Bryan Mason, Brian Daron, David
4 Barrick, Andrew Wuertz, DEA SAs Zachary Bennett, Christopher Caplin, and Columbus Police
5 Department (CPD) Officer David Scarpitti established surveillance in the area of Derrer Road,
6 between Eakin Road and Race Street.

7 15. At the time surveillance was established, TFO Mason observed a gray 2014
8 Dodge Charger, bearing Ohio license plate JHX5722, registered to Levi PHILLIPS at the TARGET
9 LOCATION, parked on the west side of Derrer Road in front of the TARGET LOCATION. TFO
10 Mason also observed a black 2007 Chevrolet Suburban, bearing Ohio license plate JBF8416, and a
11 silver 2005 Ford Mustang, bearing Ohio license plate HUC1897, both registered to Levi PHILLIPS at
12 2402 Velma Avenue in Columbus, Ohio 43211, parked next to each other, across the street from the
13 TARGET LOCATION, on the east side of Derrer Road.

14 16. At approximately 12:57 p.m., Your Affiant observed the CS and OGDEN arrive
15 at the south end of the target street (Derrer Road) in the CS's vehicle followed by SA Clark in his
16 vehicle. TFO Daron subsequently observed the two vehicles park in tandem on the east side of Derrer
17 Road approximately 50 feet from Eakin Road. This location was in close proximity to 674 Derrer
18 Road, the last address given out by PHILLIPS.

19 17. At approximately 12:58 p.m., TFO Smith observed the CS get out of his/her
20 vehicle and then get back inside, seated again in the driver seat. At approximately the same time,
21 Your Affiant observed SA Clark get out of his vehicle, walk over to the CS's vehicle, and then get into
22 the CS's vehicle through the rear passenger door on the driver side.

23 18. At approximately 12:59 p.m., TFOs Mason, Daron, Wuertz, and SA
24 Bennett observed the CS's vehicle containing the CS (driver), OGDEN (front passenger), and SA
25 Clark (rear passenger) drive north on Derrer Road toward Race Street. TFO Mason subsequently

1 observed the CS park on the east side of Derrer Road across the street from the TARGET
2 LOCATION, in close proximity to where the black Chevrolet Suburban registered to PHILLIPS was
3 parked. According to the CS, PHILLIPS had requested that they drive to the new location on Derrer
4 Road.

5 19. At approximately 1:04 p.m., TFO Mason and SA Bennett observed two white
6 males, who were subsequently identified as Levi PHILLIPS and Brandon BOWLING, walking east
7 from the direction of the TARGET LOCATION toward the CS's vehicle. According to SA Clark,
8 PHILLIPS was armed with what he believed was a Glock semi-automatic pistol that was tucked
9 underneath his green basketball shorts and his underwear. According to SA Clark, he was able to see
10 the rear sights and the slide of the pistol over PHILLIPS' white sleeveless t-shirt. TFO Mason
11 subsequently observed PHILLIPS and then BOWLING get into the rear passenger door of the CS's
12 vehicle on the passenger side. According to SA Clark, BOWLING placed a clear plastic baggie
13 containing a white crystalline substance on the center console which SA Clark subsequently took
14 possession of. According to SA Clark, he subsequently handed PHILLIPS the \$1,200.00 in OAF
15 which PHILLIPS immediately handed to BOWLING. According to SA Clark, BOWLING examined
16 the bills comprising the OAF by holding them up to the window.

17 20. At approximately 1:09 p.m., TFO Mason and SA Bennett observed PHILLIPS
18 and BOWLING exit the CS's vehicle and walk back west in the direction of the TARGET
19 LOCATION. At approximately the same time, TFO Mason, SA Bennett, and Your Affiant observed
20 the CS's vehicle containing the CS (driver), OGDEN (front passenger), and SA Clark (rear passenger)
21 flip around and drive back south on Derrer Road toward Eakin Road and SA Clark's vehicle.

22 21. At approximately 1:10 p.m., TFO Mason observed PHILLIPS and BOWLING
23 arrive in the area of the TARGET LOCATION. However, TFO Mason was unable to see them enter
24 the address as the entrance faces north toward Race Street and was out of his view.

25

1 22. At approximately 1:11 p.m., TFO Daron and Your Affiant observed SA Clark
2 get out of the CS's vehicle and then get into the driver seat of his vehicle and subsequently depart the
3 area traveling north on Derrer Road toward Race Street. At approximately the same time, TFO Daron
4 and Your Affiant observed the CS depart the area traveling south on Derrer Road and then east on
5 Eakin Road.

6 23. TFO Smith and Your Affiant followed SA Clark from Derrer Road to the
7 DEA's Columbus District Office. At the District Office, SA Clark relinquished custody of the clear
8 plastic baggie containing the purported methamphetamine to Your Affiant. The baggie contained
9 approximately 117.7 gross grams of a white crystalline substance that was further contained within
10 three smaller clear plastic baggies.

11 24. Your Affiant conducted a presumptive field test from a sample taken from the
12 purported methamphetamine that was purchased from PHILLIPS and BOWLING. The sample
13 subsequently tested positive for the presence of methamphetamine. This presumptive field test was
14 witnessed by TFO Smith.

15 25. DEA forensic chemists subsequently analyzed the suspected methamphetamine
16 that was purchased from PHILLIPS and BOWLING. The suspected methamphetamine was found to
17 be 100 percent pure methamphetamine, with a possible variance of 6 percent. The methamphetamine
18 was found to contain 83.4 grams of actual methamphetamine, with a possible variance of 5.1 grams.

19 26. Following a series of telephone calls, and text messages between the CS and
20 known mid-level methamphetamine trafficker Levi PHILLIPS, arrangements were made for DEA
21 SA Kendall Clark and the CS, both acting in an undercover capacity, to meet with PHILLIPS,
22 sometime in the late morning or early afternoon on July 8, 2021. The purpose of the meeting was for
23 SA Clark to purchase six (6) ounces of methamphetamine from PHILLIPS. PHILLIPS had agreed to
24 sell SA Clark six (6) ounces of methamphetamine for \$2,100.00 in U.S. currency.

1 27. On July 8, 2021, plans were formulated at the DEA's Columbus District Office
2 for SA Kendall Clark to meet with PHILLIPS later that day, for the purpose of purchasing six
3 (6) ounces of methamphetamine.

4 28. On July 8, 2021, SA Clark was provided with \$2,400.00 in official advanced
5 funds (OAF) with which to purchase the purported methamphetamine. SA Clark was also equipped
6 with a digital video and audio recording device in order to record the anticipated meeting between
7 SA Clark and PHILLIPS. In addition to the recording device, SA Clark was equipped with a
8 transmitting device which was subsequently monitored by DEA special agents and task force
9 officers over their cellular telephones.

10 29. On July 8, 2021, at approximately 11:12 a.m., PHILLIPS sent a text message to
11 the CS utilizing his cellular telephone (614) 390-8546 that read "I'm ready".

12 30. At approximately 12:50 p.m., DEA Task Force Officers (TFOs) Peter
13 Vanderbilt, Bryan Mason, Brian Daron, Christopher Farrington, Andrew Wuertz, DEA SA Samuel
14 Miller, Columbus Police Department (CPD) Officer David Scarpitti, and DEA Group Supervisor (GS)
15 Joseph Plancon established surveillance in the area of the TARGET LOCATION.

16 31. At the time surveillance was established, TFO Daron observed the gray 2014
17 Dodge Charger, bearing Ohio license plate JHX5722, registered to Levi PHILLIPS at the TARGET
18 LOCATION, parked on the west side of Derrer Road facing south and the black 2007 Chevrolet
19 Suburban, bearing Ohio license plate JBF8416, registered to Levi PHILLIPS at 2402 Velma Avenue in
20 Columbus, Ohio 43211, parked on the east side of Derrer Road facing north. Both vehicles were
21 parked in the vicinity of the TARGET LOCATION. TFO Wuertz observed the silver 2005 Ford
22 Mustang, bearing Ohio license plate HUC1897, registered to Levi PHILLIPS at 2402 Velma Avenue
23 in Columbus, Ohio 43211, parked on the west side of Derrer Road, approximately 25 feet south of
24 where the Charger was parked.

25

1 32. At approximately 12:56 p.m., DEA SA Chris Caplin and Your Affiant observed
2 SA Clark and the CS depart the pre-designated staging area and head west on Sullivant Avenue toward
3 the TARGET LOCATION. PHILLIPS had earlier told the CS to meet him on Derrer Road, near his
4 house. The same area where SA Clark had purchased approximately three (3) ounces of
5 methamphetamine from PHILLIPS on May 4, 2021.

6 33. At approximately 1:18 p.m., TFOs Wuertz and SA Miller observed SA Clark
7 and the CS arrive and park on the southeast corner of the intersection of Derrer Road and Race Street,
8 a short walk from the TARGET LOCATION.

9 34. At approximately 1:19 p.m., TFOs Daron and Wuertz observed a white male
10 adult, subsequently identified as PHILLIPS, walk from the area of the TARGET LOCATION toward
11 the black Chevrolet Suburban parked on the street. TFO Wuertz subsequently observed PHILLIPS get
12 into the driver seat of the Suburban.

13 35. At approximately 1:21 p.m., TFOs Daron and Wuertz observed PHILLIPS
14 drive north on Derrer Road toward Race Street.

15 36. At approximately 1:22 p.m., SA Miller observed PHILLIPS pull alongside of
16 SA Clark's vehicle before subsequently parking directly in front of SA Clark's vehicle, the nose of SA
17 Clark's vehicle almost touching the rear bumper of PHILLIPS' Suburban. Moments later, SA Miller
18 observed SA Clark get out of his vehicle and walk toward PHILLIPS' black Suburban. SA Miller
19 subsequently observed SA Clark leaning into the open driver window of the Suburban.

20 37. At approximately 1:26 p.m., SA Miller observed SA Clark walk back to his
21 vehicle carrying a black object in his hand. SA Miller then observed SA Clark get back into his
22 vehicle, then exit the vehicle, and once again walk back to the Suburban. According to SA Miller, SA
23 Clark spoke briefly with PHILLIPS before again walking back to his vehicle with the CS
24 and subsequently depart the area. According to SA Clark, the black object in his hand was a black
25 plastic shopping bag that contained the clear plastic baggies that further contained the purported

1 methamphetamine that he purchased from PHILLIPS for \$2,100.00 in OAF. According to SA Clark,
2 he also gave PHILLIPS an additional \$50.00 to give to his friend Sean OGDEN for making the
3 introduction on May 4, 2021.

4 38. As SA Clark and the CS were walking back to their vehicle, TFO Weurtz, SA
5 Miller, and GS Plancon observed PHILLIPS circle the block, traveling first east on Race Street, then
6 south on Demorast Avenue, then west on Eakin Road, before subsequently returning the Suburban to
7 the Suburban's former parking spot on Derrer Road.

8 39. At approximately 1:29 p.m., as mentioned in paragraph 14, TFO Daron
9 observed the Suburban return to the Suburban's former parking spot in front of the TARGET
10 LOCATION.

11 40. At approximately 1:39 p.m., TFO Daron observed PHILLIPS exit the truck
12 carrying a plastic bag, walk toward the hood of the Suburban, and then get back inside the Suburban
13 through the driver door.

14 41. At approximately 1:50 p.m., TFO Daron observed PHILLIPS exit the Suburban
15 wearing a backpack. TFO Daron subsequently observed PHILLIPS walk through the gate toward the
16 TARGET LOCATION. TFO Farrington subsequently observed PHILLIPS utilize a key to enter the
17 front door of the TARGET LOCATION.

18 42. SA Caplin and Your Affiant followed SA Clark from Derrer Road back to the
19 pre-designated staging area. At the staging area, SA Clark relinquished custody of the black plastic
20 shopping bag containing the purported methamphetamine to Your Affiant. Inside the black plastic
21 shopping bag were two smaller clear plastic baggies, one over the other, which contained
22 approximately 201.5 gross grams of a white crystalline substance.


23 43. At the DEA's Columbus District Office, Your Affiant conducted a presumptive
24 field test from a sample taken from the purported methamphetamine purchased from PHILLIPS on

1 July 8, 2021. The sample subsequently tested positive for the presence of methamphetamine. This
2 presumptive field test was witnessed by SA Caplin.

3 **CONCLUSION**

4 44. Investigators believe, based upon their training and experience, they are
5 going to find controlled substances and proceeds from the sale of controlled substances,
6 specifically methamphetamine, inside the TARGET LOCATION. Investigators know from their
7 training and experience that drug traffickers will also keep drug proceeds, cellular telephones,
8 scales, packaging materials, address books, buy/owe sheets, and other indicia that provide
9 investigators with evidence of ongoing criminal conspiracies, in addition to drugs, inside locations
10 like the TARGET LOCATION that is likely being utilized to store, package, and distribute drugs.
11 Investigators also expect to find firearms to protect the illicit drugs that this known drug trafficker
12 is distributing.

13 WHEREFORE, based on the foregoing evidence of drug trafficking from the aforementioned, I
14 respectfully request that the court issue a search warrant and sealing order for the locations
15 described in paragraph 4 and the property described in paragraph 6. Investigators request that this
16 warrant be sealed in order to better protect the source of the information.


Christopher Cadogan
Special Agent
Drug Enforcement Administration

SUBSCRIBED AND SWORN TO BEFORE ME
this 21st day of July, 2021

Elizabeth A. Preston Deavers
ELIZABETH A. PRESTON DEAVERS
United States Magistrate Judge



ATTACHMENT A

1 This affidavit is made to support an application for a warrant to search and seize
2 evidence from the premises commonly known as 647 Derrer Road in Columbus, Ohio 43204. The
3 premises is a one-story, off-white duplex located on the west side of Derrer Road. The building is a
4 combination of light brick and vinyl siding. 647 Derrer Road is located on the north section of the
5 duplex. The front door is white and faces north toward Race Street. The premises is marked by the
6 numbers "647" on the north section of brick facing east toward Derrer Road. The premises located at
7 647 Derrer Road in Columbus, Ohio 43204, will hereafter be referred to as the TARGET LOCATION.

ATTACHMENT B

The evidence to be searched for and seized is:

- A. methamphetamine, and other controlled substances;**
- B. documents and other items tending to show dominion and control over the premises, including, but not limited to, bills or other business-related documents, correspondence, photographs;**
- C. documents or other items tending to identify co-conspirators and sources, including, but not limited to, letters, notes, memoranda, photographs, address and phone books, maps, organizers, or lists of names;**
- D. items commonly used to facilitate drug trafficking, such as firearms, firearms ammunition, beepers, pagers, cellular telephones, pay/owe sheets, packaging materials, “cut”, scales, grinders;**
- E. likely proceeds of drug trafficking, such as U.S. currency and other negotiable instruments;**
- F. documents and other items tending to establish or hide the whereabouts of proceeds from drug trafficking, such as safes, keys to other locations, and financial records;**